

THE HONORABLE RICARDO S. MARTINEZ

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UTHERVERSE GAMING LLC,

Plaintiff,

v.

EPIC GAMES, INC.,

Defendant.

Case No. 2:21-cv-00799-RSM

**DECLARATION OF KATHERINE
MCNUTT IN SUPPORT OF
DEFENDANT EPIC GAMES, INC.'S
MOTIONS IN LIMINE**

1 I, Katherine McNutt, hereby declare as follows:

2 1. I am an attorney at the law firm of Morrison & Foerster LLP, counsel for Defendant
3 Epic Games, Inc. (“Epic”). I have personal knowledge of each fact stated in this declaration, to
4 which I could and would competently testify if called as a witness.

5 2. Attached hereto as **Exhibit 1** is a true and correct copy of excerpts from the
6 transcript of the deposition of Utherverse’s infringement expert Craig Rosenberg taken on May
7 30, 2023.

8 3. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts from the
9 transcript of the claim construction hearing in this case, held on August 16, 2022.

10 4. Attached hereto as **Exhibit 3** is a true and correct copy of excerpts from the expert
11 report of Utherverse’s infringement expert Craig Rosenberg, served on April 14, 2023.

12 5. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts from the expert
13 report of Utherverse’s damages expert Michele Riley, served on April 14, 2023. Confidential
14 material not relevant to this motion has been redacted.

15 6. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts from the
16 transcript of the deposition of Utherverse’s damages expert Michele Riley taken on June 2, 2023.

17 7. Attached hereto as **Exhibit 6** is a list of the exhibit numbers and deposition
18 designations identified by Epic’s investigation to date that contain Epic and *Fortnite* top-line
19 financial information.

20
21 I declare under penalty of perjury under the laws of the United States that the foregoing is
22 true and correct. Executed on August 30, 2024 in Mammoth Lakes, California.

23
24 /s/ Katherine E. McNutt
25 Katherine E. McNutt
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CERTIFICATE OF SERVICE

I hereby certify that on September 10, 2024 the within document was filed with the Clerk of the Court using CM/ECF which will send notification of such filing to the attorneys of record in this case.

/s/ Eric C. Wiener

ERIC C. WIENER